

- **BEACH ALCOHOL TASK FORCE**
  - **Meeting Minutes for 4/23/07**

**Contact:** Thyme Curtis, [tcurtis@sandiego.gov](mailto:tcurtis@sandiego.gov), (619) 236-6622

**Members Present:**

Todd Brown, Scott Chipman, Jean Froning, Clyde Fuller, Nancie Gellar, Katie Keach, Julie Klein, Jeremy Malecha, Dave Martin, Bill Bradshaw, Mark Antis, Carol Jenks

**Chair:**

Councilmember Kevin Faulconer

Meeting called to order at 6:34 p.m.

**Introduction:**

- This our sixth or seventh task force, thank you for coming.
- Tonight we're talking about solutions, our goal to get people on both sides to reach consensus. Tonight is when we talk about that consensus.
- Tonight's agenda is structured to follow past month's agendas. Next meeting will solely be with alcohol on the beach, tonight we'll focus on other topics.
- Thyme put together a binder that reflects our past hand-outs and it has been given to each task force member present.

**Public Comment:**

- Mike Stevens: I'm here to talk about alcohol on the beach. I'm not hearing any compassion. I hear people talk about their right to drink on the beach, but not about people urinating on the lawn. PB town council voted to ban alcohol 65/3 last year. ABC is a state issue so not much to do, but nothing is being done about alcohol on the beach. We can wind this up if we vote on alcohol on the beach right now, an up or down vote. If task force doesn't vote, then we can talk about other issues.
- Jessie Peters: I suggest task force creates beach watch area from interstate to beach. People in that area are tagged, like if they went to bars. Police would know who is drinking. After third offense they'd be banned from beach. Do pilot program, everyone who goes into area is tagged. Need balance on both sides; see lots of responsible people drinking on beach, but also irresponsible people.
- Judy Bomburger: I know this task force was initiated with PBTC and we voted to eliminate alcohol on beach. This is becoming political problem, and Katie Keach is representing PBTC. I live here and have four children, it's disgusting to walk certain places. We need to have a vote tonight to ban alcohol, and I'm wasting my time if you don't ban alcohol on beach. This is wearing me down and I've only been doing this eight months.

- Rick Oldman: again I'm agreeing with these two folks. Lot of components to alcohol on the beach, but don't think we'll come to consensus on all. If we can't get a ban, let's get a trial period. Or ban for summer and give drinkers the winter. Or at least big three holidays, Memorial Day, July 4<sup>th</sup>, and Labor Day.
- Al Strohlein: Kevin I plead with you to get answer to how ABC's administrative judges can continually give licenses over objections of police. The code limits the number of licenses by percent of population, yet ABC administration judges continue to issue licenses it. They're violating law and making mess of PB.
- Marcie Beckett: Agenda says our next meeting is at OB Masonic lodge, hope we can move it to PB middle school or somewhere in PB. People say if you ban alcohol it'll hurt tourism. If you look at Ft. Lauderdale example, police say it's boosted percentage of non-students who visit, and there's more people in area. Hawaii doesn't have alcohol on beaches. If you look at other places, in fact the reverse happens – you get more families to come and go to sea world, etc. and tourism dollars increased.
- Jerry Hall: summarize findings – one reason I'm here is because the 79.01 census tract has 32 times alcohol related arrests. Learned from police that entertainment permits are way to regulate problem bars – only 15 percent of bars in PB have these. Off all citations in last 5 years, 125 citations, only 16 in PB. Not strong enough citations in this area. We need to look at life guard stats. To look at true stats, must look at lifeguard stats too. I'm looking to make PB safer, not looking for a zone where you can drink alcohol. Do 30/60/90 day trial periods to see what happens. I'm concerned that the panel is luke-warm about its recommendation phase, don't see any major changes coming out of task force. Looking to you for tough recommendations.

**Chair – Kevin Faulconer:**

- Thank you to everyone who is here. We will do alcohol on the beach at our next meeting, I don't want anyone thinking they're wasting their time. At our last meeting we had hundreds present to discuss alcohol on the beach. We have had many votes on alcohol on the beach, but I got this task force together to discuss all issues surrounding alcohol at the beach, not only drinking on the beach. I also got us together to learn about how ABC licensing works, ask officers about police stats, learn about CAPP program - all of these issues have to do with alcohol on our beach areas.
- I want to thank Lt. Ahearn, Sgt. Herbert, Makini Hammond and Teresa Martin from the city attorney office.
- Scott from Save PB brought in a good handout. Thyme's synthesized all of the info we've received thus far, and I wanted city staff to be here to answer questions. I'll make attempt to invite police chief for our next meeting on alcohol on the beach.

- One thing that occurred to me is alcohol and number of licenses in one area. Even if you have over concentration, such as in PB, it's not a barrier to new licenses because of PC or N. How can we get more local control? Problem entities often surround entertainment permits, or lack of a permit. What is our enforcement ability related to entertainment permits? I want to raise the issue of alcohol permits and I'm not sure if we're using all the tools we have.

**Task Force Member/City Employee Comments:**

- Mark Antis – can we make it a requirement to have someone go to planning groups and town councils?
- Sgt. Herbert – ABC has transmittal system, and anyone can sign up and be aware of every transaction that happens in an area. Solution may be to ask that you are notified through this system.
- Makini Hammond– ABC is state process. Police is notified on local level. Best way is to plug into police dept, as any change ABC does goes through police.
- Todd Brown - requirement for notification [from ABC to surrounding properties] is different based on the proximity, such as 100, 500, 1000 feet. Also required to put notice in local paper 3 weeks in a row
- Kevin Faulconer – restaurant wouldn't be opposed, but worry is then it becomes a nightclub. If we believe ABC in that they only have 3 people for SD and Imperial Counties, that's not a lot.
- Capt. Long – met with ABC 6 months ago and ABC was looking to put applications on the Internet and give people access to look up by area. You as community are entitled to know who is applying. We look for public input. We get multiple notices a week for new licenses and modifications.
- Scott Chipman – can we put some control so we know this restaurant doesn't become a bar? Now we don't have control, and we need control.
- Carol Jenks – my frustration is that some people have personal agendas, or most important areas of concerns. They're totally separate issues – alcohol on the beach is completely different than alcohol licenses. Can't compare the two. There are several different issues. If we said let's pick the most important 4 or 5 issues and come to consensus. That way we could get the problem to go away a little bit and get restaurants with conditions. Someone won't mind conditions if they weren't going to abuse it. Need to identify specific issues.
- Kevin Faulconer – if you do want to encourage restaurants, is it one of the problems, if you have existing license such as a 50/50 license (food/alcohol) is

that for enforcement, it's complaint driven. It takes a very long time to catch people who are not going with 50/50.

- Carol Jenks – you can do this through sales tax b/c it's broken down with alcohol and food separated.
- Mark Antis – I know it's not working right now in mission beach, there is no way that this restaurant that I know of is 50/50 in reality, although this is what there licenses are for.
- Makini Hammond – our experience in the Gaslamp, many restaurants have the 50/50 and eventually become clubs, then we sit down and talk to them with ABC at the table. For ABC to audit is labor intensive and they can't do it. Reality is ABC is vastly understaffed. It's unrealistic to expect this.
- Todd Brown – thinking about this issue in PB, best to my knowledge, total number of licenses in PB has gone down. If you say all these licenses are coming in, it's just not true. Comes down to philosophy of community. If you say you don't like something, do you want to lock it in and not change? Little Italy changed it's plight by bringing in more licenses, I'd like to see bringing in better establishments.
- Scott Chipman – can't change the impact of alcohol by adding licenses. We want new restaurants and to change the mix of businesses, but it won't change anything to bring in nice places
- Clyde Fuller – going down wrong track to blame ABC. Look at IRS, they use computers to track. Look at amount of sales and see if it makes sense, and tie records to IRS. Onus shouldn't be on ABC, but on the establishments and set up certain flags. We can devise system and put onus on business, not ABC.
- Jeremy Malecha – we agree that there needs to be a local level, if it takes 3 years to set up CUP with Coastal Commission, we can't say no new restaurants until then. Kevin should set up a communication where people can go to get information.
- Kevin Faulconer – Stingers had complaints for a long, long time, and if you had a problem where you had to go through the state to fix it, it just takes too long. Want to give people an opportunity to fix problems, and need something local.
- Jeremy Malecha – For the planning community to change plan, must go through coastal commission. This takes years.
- Makini Hammond – DART has been successful. We have a working relationship with Vice, so when they're having problems and calls for services, neighborhood complaints, we meet two times a month and we meet with business owner.

Patrol, Vice, ABC, Code enforcement, owner of business are all at the table and all make recommendations to owner. If all are looking at issues together, it's more effective than if dealing with it individually. CUP process is a planning process, a planning tool that regulates land use, not an enforcement piece. People violating CUP, can try to shut them down, but going to be a process. People running businesses have rights and it's going to be a process, as anything is.

- Kevin Faulconer – if you look at the ABC process, it's very, very long. DART is very effective. Process with what you can do with CUP, can't you effect change sooner rather than later?
- Makini Hammond – don't control CUP process because it's a planning tool, go through planning in city. Would have administrative hearing, then can be appealed by business owner, and can go to court. Don't know if Cup process would be quicker, it's a planning, land use process.
- Bill Bradshaw - To look at process in three separate categories is fundamentally wrong. Anyone here who thinks we don't have to change something? That we have a problem that needs a solution? Can you come up with any kind of fix that doesn't involve a significant reduction in alcohol at the beach? What is easiest way to reduce total amount of alcohol consumed at the beach? If we go with ABC we'll be chasing tails for years.
- Kevin Faulconer – how do we get to something that doesn't rely on ABC? Based on presentations, trying to use ABC to change process is chasing wind.
- Bill Bradshaw – We got the CUP process for city of Chula Vista – looked like it and it had a lot of teeth. Looked significant because it got around grandfathering in licenses. We have a lot of bars and we're not expanding the amount of liquor licenses. Not grandfather any existing licenses.
- Todd – The way I understand, the CUP process if for new businesses, not existing. Not a significant amount of new licenses in PB. Challenge everyone with possibility – partner up with villain? I'm one of these guys, we have quite a few members on the task force that own alcohol establishments at the beach, we work great with northern division and we try to do things right.
- Bill Bradshaw – Jeremy and I went to training session at the tavern. Noticed that big problem is age, everyone is young who goes to PB. Tavern owner agreed.
- Todd Brown – we have a good mix at my bar, but I see that problem. We need to create resources for northern, change ideology of kids coming down here. Northern had more cops on the beach during spring break, and it really worked. We want more cops, we want cops coming into bars and having presence.

- Dave Martin – As bar owner, people who consume too much cause as much of a problem to us as they do to neighborhood. They cause the problems, steal ashtrays, cause fights. Nobody wants the problems.
- Katie Keach – If we want to implement supplemental measures, such as deemed-approved, CUP, etc. City attorney, are there any restrictions on what we can do?
- Boyd long – ABC is state, CUP is land use, entertainment is most limited.
- Katie Keach – we want local control, and increased entertainment permits. I think it'd be nice if we could get at least those things.
- Jean Froning– When Todd said that we need to change ideology by way of more police, I don't agree. If you continue to think that then it's the wild west.
- Mark Antis – We need two CUPS, one for existing, one for new.
- Kevin Faulconer – local control issue, one of the things I learned was that you need entertainment permit if you have juke box, DJ, singer playing guitar.
- Capt. Boyd – very narrow and renewed every year.
- Kevin Faulconer – Seems that push hasn't been made on entertainment permits. If you have a bar that is Obvious if you're playing loud music
- Capt. Boyd – used entertainment permits to force bar to pad walls and triple pane windows, and that entertainment permit was way that we could effect CUP enforcement. We can go to Makini's office to go after entertainment permits. We've had some good success with that and policies are in place. Need to educate public.
- Kevin Faulconer – It seems to be an under-utilized tool. If you're a bar and causing problems and loose entertainment permit, then you basically loose your business
- Scott Chipman – You're said only 15 percent of bars have them, are you saying more bars should?
- Capt. Long – piped in music or juke box don't need entertainment permits. Entertainment permits kicks in with DJs and dancing, or live band.
- Rick, public comment – people are talking so loud that you can't even hear music.
- Todd Brown – Should we create a new type of entertainment permit where every bar has to have an entertainment permit?

- Makini Hammond – if you give it to everyone, then if they don't have entertainment permit anyway, then you're allowing more people to have entertainment permits than would have originally had it.
- Lt. Ahearn – several problem establishments have entertainment permits. What can the city do to place additional conditions when entertainment permits come up for renewal? Police is actively involved with this process, work with Beth in Vice. When Northern Division is asked for permits, we are given opportunity to craft additional condition. Example – any night when a bar has live band, security guards had to be in parking lot on golf cart one hour prior and after band. Also, any night with live entertainment they have roving security team one hour after they close. Now it's an additional tool that Makini can use.
- Kevin Faulconer – do you have to wait for renewal to put additional conditions?
- Lt. Ahearn – yes, but we can also bring Makini in and deal with them as needed. We'll use these as a blueprint to use with other bars, each is different and is tailored for specific bar.
- Jeremy Malecha – nice thing with process is that even if it takes a year, it starts that dialog within the year.
- Katie Keach – anything that City Council can do to broaden definition of entertainment, such as anyone who plays music?
- Scott Chipman – if a CUP takes two years, we need to get on it. Two years isn't that bad, as some people have worked on this for 15 years. We need increased enforcement. We need sting operations. There are good establishments, but they don't have control over someone who's had 4 drinks and have one more at their bar, then go to another one and have another drink, etc. We have community covenant, I was at signing, I asked Ben Nicholls if any serving establishments signed that covenant.
- Capt. Boyd – I'd love to have as many cops as I can, but without public education program it won't matter how many cops there are.
- Scott Chipman – for education, ask those who signed covenant if they're going with covenant.
- Eve, public comment – if bars are crowded, how do you measure?
- Public comment – we agree that people should follow community covenant, I've talked with Makini and if you want to direct questions to people who work in that industry, Todd and I are happy to answer.

- Todd – I chair the hospitality task force and there are bars out there that haven't signed. If I could convince the audience there are bars out there that are part of hospitality task force, we want to help. If Lt. Ahearn asks me to do something, I do it. We want to make changes to our businesses when asked.
- Mark Antis – PB seems like people are walking to cars and causing trouble. Why can't Vice patrol from 12:30 to 1:30 in the morning?
- Capt. Boyd – we have 5 vice for 1,300,000 people in San Diego. It's a matter of logistics. I pay overtime to officers to target those after hours' people in PB and MB.
- Carol Jenks – transportation systems?
- Capt. Boyd – MADD has this and it's worthy of looking at
- Kevin Faulconer – We need more officers. The city needs more.
- Katie Keach – getting back to Todd's comment, we appreciate what he'd done, but we can agree that it's the bad bars who are the problem. Do you have, as a bar owner, any suggestions on what can be done who don't want to participate? How to get bad bars involved? What's result of outreach efforts?
- Todd Brown – right now, we're in process of two letters to send out to all establishments encouraging all owners to be part of the group. Also letter to people who we think can do better job of operating their bar. Letter said we'd like you to come in and meet with you, and discuss what you can do to be a better business owner.
- Nancie Gellar– any publication in B&B on who's not participating in comm.. covenant?
- Carol Jenks – what about stickers on their window if they participate?
- Kevin Faulconer – what are the major issues with bad bars?
- Nancie Gellar – over serving
- Carol Jenks – Overcrowding
- Todd Brown – not a true statement, I've never seen the fire dept as active as they are now.
- Kevin Faulconer – fire marshal can come in and count how many people are in a bar at anytime, let's get to over serving.



- Julie Klein – destructive behavior between 1 and 3 a.m. Breaking windows, antennas, breaking pots, etc. I like the idea of bar owners paying 50\$ and paying for extra security on the streets.
- Jeremy Malecha – I actually work at an OB bar. They get the short end of the stick, because cops have bigger problems downtown. Unless it's a high time, there's not a cop around. It takes 20 sometimes when you call for service. PB has it better in terms of police presence
- Kevin Faulconer – when police chief was in San Jose, he hired off duty cops to patrol. Hospitality task force has talked about it, chief said it worked very well in San Jose. Wish we had enough officers so we wouldn't have to hire off duty. Suggestions have been why don't you get security guards, but chief said there's a dramatic diff in security guards and police officers. Do you have groups or organizations that help fund that? If you have it, you have to enforce and have police there.
- Capt. Long – I talked to chief to use special events planning officers to get police officers. Go back to community to see what the message that we're trying get across?
- Todd Brown – don't you think presence is the message? We proposed Thursday Friday Saturday cops and paying for it, it's got to be a uniformed police officer. Proposal is still out there, there is a San Diego police foundation, use it to donate money.
- Kevin Faulconer – foundation of funding is not problem, just getting it established in SD cause it's never been done.
- Capt. Long – uniformed officers, if used special events patrol, then they can be called off if more pressing issue. Will return afterwards.
- Kevin Faulconer – at 1, 2 in the morning, then police presence will make a difference
- Katie Keach – can do things in waves, at spring break there was a big push. Idea is to make a push on the weekends for two months, then don't need them around as much, but have a push once in a while to remind people.
- Capt. Long – yes, that will help.
- Todd Brown – our was memorial to labor day
- Katie Keach – trying to think of budget – conscious ways.

- Kevin Faulconer – we're not getting through as much as we thought we would. Suggestions – define and refine agenda for next agenda. Scott Chipman – good ideas. Looking ahead, suggest we do another meeting before our regularly scheduled meeting. Thyme will send email to see if group is willing to meet on an evening, or on a Saturday.
- Kevin Faulconer - Need quantifiable data. Regardless with what we come up with, we need baseline survey to compare. Be great to have baseline survey. Last drink survey,
- Capt. Long – we don't have last drink survey right now. If we ask the information, it could be skewed, as the last drink may have been at Todd's, but they had eight drinks.
- Kevin Faulconer – it's been raised a couple times.
- Capt. Long – Beach area has a lot of house parties, come to bars already over-intoxicated.
- Katie Keach – neighborhood house parties – only touched marginally on off-site sales. If we can think of anything in terms of that, put onus on operators of off-site.
- Kevin Faulconer – we have Dirk Stumps card here, and his sit in was here earlier.
- Lt. Ahearn – CAPP program is working. Administrative citation process is very effective
- Scott Chipman – Lt Ahearn was at neighborhood watch, and talked about CAPP program, I have confidence that if everyone was aware then we'd be able to really do something.
- Bill Bradshaw – I agree that the mechanism is in place, but it's enforcement. We should try to set guidelines for tenants. Some people who rent places have such a document. If you break these rules, you're out. We need enforcement.
- Scott Chipman – if landlords would sent these restrictions to neighbors, then we could enforce
- Kevin Faulconer – Administrative citation in college area is a \$1000 hammer.
- Lt. Ahearn – code enforcement office used to be one to give this citations at house parties, but weren't out at 1 in the morning. Now police officer can write these tickets. It's a significant resource that cost recovery didn't provide. Started in March, and I can get an update.

- Kevin Faulconer – I have a feeling that his committee will expand that into beach community. Be good to know factually how it's going.
- Lt. Ahearn – I'll get summary of how it's going. Social host ordinance, I'm going to training after this meeting tonight. Beach team does social host ordinance and does tremendous work to keep peace. Capt. Long, he's the one who put the extra police out there for spring break
- Kevin Faulconer – getting close to stop time, we have made some good progress. I suggest we get together before regularly scheduled meeting and I'll construct an agenda.

Meeting concluded at 8:35 PM